

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----:
TYLER ERDMAN, : Case No.: 20-cv-4162
Plaintiff, :
v. :
ADAM VICTOR, et al., : New York, New York
Defendants. : December 21, 2023
-----:

TRANSCRIPT AND STATUS CONFERENCE HEARING
BEFORE THE HONORABLE GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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1 THE DEPUTY CLERK: This is in the matter of
2 Erdman versus Victor, et al.; Case Number:
3 20-cv-4162.

4 For the plaintiff, please state your name
5 for the record.

6 MR. ERDMAN: Tyler Erdman.

7 MR. RODRIGUEZ: Emilio Rodriguez from
8 Polizzotto & Polizzotto.

9 THE COURT: Okay. Welcome, everyone. You
10 can be seated if you're not speaking.

11 We're here based on two letters, docket
12 number 209 and 210. I mean, we can try going
13 through some of these things, but it seems to me the
14 bigger issue is a lack of sufficient disclosure as
15 to what the process has been for searching accounts,
16 hard drives -- whatever they are -- which specific
17 accounts have been searched, what the process was.

18 And, you know, I've issued orders requiring
19 the defendant to explain this. And the explanations
20 are so bare-boned and omit, in some instances,
21 specific information that I require, that I think
22 the only thing to do at this point, Mr. Erdman, is
23 for you to take a deposition of Mr. Victor as to
24 what he knows. And then if he doesn't know
25 everything, I'm ready to have you take a deposition

1 of the attorneys. Though I think step one might be
2 sitting down with a face-to-face discussion before I
3 get to the deposition stage, which is a little bit
4 unusual for an attorney.

5 But normally, you know, when e-vendors are
6 involved, there's a corporation involved, you just
7 do a 30(b)(6) of the corporation, and that
8 educates -- you don't know what that is, but --

9 MR. ERDMAN: I do.

10 THE COURT: Oh, okay. They educate someone
11 as to everything that happened in terms of the
12 document production. So I think that's going to
13 solve a lot of the issues.

14 Have you deposed Mr. Victor yet?

15 MR. ERDMAN: Yeah, I deposed Mr. Victor. I
16 also talked to him a little bit on the document
17 issues because there's been other litigations where
18 he's had similar issues, so this wasn't particularly
19 surprising. I mean, at one point I believe he said
20 something along the lines of I would know better
21 than him.

22 THE COURT: I don't know who "I" is.

23 MR. ERDMAN: Me. Myself. Probably as I
24 was the one managing --

25 THE COURT: Oh.

1 MR. ERDMAN: -- and whatnot.

2 I think what's going to happen on a lot of
3 that is he's going to try and claim he doesn't have
4 something, and it's in a third-party's possession.
5 If I may suggest, if he does that, I would like to
6 depose or subpoena those custodians directly to try
7 and figure out what they actually --

8 THE COURT: Well, no. I'm not talking
9 about the third-party custodians. I'm not talking
10 about that, third parties.

11 MR. ERDMAN: Oh.

12 THE COURT: That's a different issue.

13 I'm talking about the beginning of your
14 letter, what you're getting from the e-discovery
15 vendor, and your reasons -- and your not
16 understanding exactly what happened and what
17 accounts were searched and, you know, repositories
18 and different drives and so forth.

19 So, you know, ideally -- I mean, if Victor
20 is not involved in this, maybe the more efficient
21 thing is for there to be a meeting live, not on the
22 phone or video, live with you and the vendors and
23 the attorneys to answer everything in complete
24 detail as to exactly what was done and how. Because
25 right now, I don't feel you have the information.

1 MR. ERDMAN: I mean, I personally think --

2 THE COURT: Maybe you think you have it. I
3 don't know. And maybe you think it's insufficient.
4 Tell me what's going on.

5 MR. ERDMAN: So --

6 THE COURT: Because from these letters,
7 it's just impossible for me to make any rulings.

8 MR. ERDMAN: Understood.

9 From my perspective, it looks like they
10 didn't actually search any repositories besides what
11 a vendor may have had for some other actions, is
12 what it looks like to me. And I think that explains
13 the cutoff in the privilege log because they didn't
14 search any of his e-mail accounts recently. They're
15 not listed in this tracker. And, I mean, there's a
16 list of --

17 THE COURT: Okay. Well, let's talk about
18 this "recent" thing.

19 You know, you have a complaint that's dated
20 a certain date, and we have the motion to dismiss
21 decision that limits what this case is about. And
22 it's about things that were said to some list of
23 people, law enforcement, in a certain period,
24 obviously, preceding the date of the filing of the
25 complaint. So that's the period we need to be

1 looking at, all right. So let's talk about that
2 period. What are you missing in terms of
3 information about the search for that period?

4 MR. ERDMAN: Well -- so there's supposedly
5 forensics information that was collected and
6 provided to law enforcement. I haven't seen
7 anything produced that would have been used for that
8 purpose.

9 THE COURT: I don't understand the sentence
10 you just said.

11 MR. ERDMAN: Sorry.

12 THE COURT: Try it again.

13 MR. ERDMAN: Several years ago, Mr. Victor
14 hired forensics firms to analyze hard drives and
15 devices. And then Mr. Victor took the so-called
16 findings from that and then would send that to law
17 enforcement as justification for his claims. Like
18 this Excel sheet shows that this happened and
19 there's been nothing -- like, nothing provided
20 substantively from that forensics review or really
21 any of Mr. Victor's research.

22 THE COURT: Okay. We're now getting onto a
23 different issue.

24 MR. ERDMAN: Sorry.

25 THE COURT: We're getting onto the issue of

1 what's missing, and I'm not ready to talk about
2 what's missing yet. I want to talk about the
3 process of production to you.

4 MR. ERDMAN: Okay.

5 THE COURT: All right? Do you see the
6 distinction?

7 MR. ERDMAN: Understood.

8 THE COURT: Okay.

9 MR. ERDMAN: Like, as far as from
10 Mr. Victor's deposition after this case began, he
11 had talked about how he's texting an NYPD officer or
12 been calling him fairly recently.

13 THE COURT: Well, again, "fairly recently"
14 is bugging me.

15 MR. ERDMAN: Oh, sorry. I mean, like, a
16 week or two before the deposition occurred.

17 THE COURT: Hold on. It's bugging me
18 because this case shouldn't be about what's going on
19 now. The case is about what's alleged in the
20 amended complaint. So the relevant discovery period
21 in terms of figuring out, you know, what defamatory
22 statements were made and the context for them is
23 going to be before the amended complaint. Do you
24 see what I'm saying?

25 MR. ERDMAN: Yes. Understood.

1 THE COURT: Okay. So you started
2 talking -- his deposition obviously happened after
3 that, right? So I'm just trying to break this into
4 pieces. And the first piece, it seems to me, is
5 you're saying that certain things weren't searched.
6 Am I right or am I wrong about that?

7 MR. ERDMAN: Correct.

8 THE COURT: Okay. So it seems to me we
9 need to pin that down, because you're saying that in
10 a letter and him saying otherwise is not getting me
11 anywhere, and it seems to me you're lacking
12 information. So I need facts before I can make any
13 rulings. And I just don't know what on earth the
14 facts are in terms of what happened for the search.
15 And I don't think you know. Maybe you do know.
16 Maybe you have all the information you need, and
17 somehow you're not presenting it to me in the form I
18 need it.

19 Do you have all the information you need or
20 not?

21 MR. ERDMAN: From my view, I looked at what
22 he provided in this tracker of what was searched and
23 it's incomplete. That was what I was basing it on.
24 And I believe I have a fairly --

25 THE COURT: I don't even know what

1 this tracker is. This is some report that the
2 e-discovery vendor gave you? What is this?

3 MR. ERDMAN: I think Mr. Rodriguez would
4 be --

5 THE COURT: Well, no. You're the one --
6 no. See, but if you don't know, then this is my
7 point.

8 MR. ERDMAN: Well --

9 THE COURT: You need to be able to present
10 all this to me. You need to be able to say to me,
11 you know, I made these discovery requests. It
12 required searching these things which existed on
13 whatever dates, you know, and those things were not
14 searched.

15 And I don't know that this is proof of it.
16 I think I need you to talk to that e-discovery
17 vendor and the attorneys and Victor all in a room to
18 figure out exactly what happened.

19 MR. ERDMAN: I think that would go a long
20 way towards resolving --

21 THE COURT: Okay. Because right now, you
22 know, I think you're just too buried in it; and it's
23 very hard for you to express to an outsider,
24 especially in the context of making specific
25 requests from a court, as to what it is you need

1 done.

2 MR. ERDMAN: Yeah. Yeah, I would agree
3 with that.

4 THE COURT: Okay. So, anyway, I'll hear
5 from the defendant just solely on the issue of
6 providing information to the plaintiff in reaction
7 to what you've heard so far.

8 MR. RODRIGUEZ: Well, Your Honor,
9 everything from the time period that you talked
10 about, that's been produced. If we had produced
11 documents that were --

12 THE COURT: Again, I don't want to talk
13 about what you produced. I want to talk about the
14 process.

15 MR. RODRIGUEZ: That's what I'm about to go
16 into, Your Honor.

17 If we had just provided -- this is what we
18 did. If we had just provided documents that were
19 solely responsive to what Mr. Erdman asked for, we
20 would have come out with only a couple of thousand
21 pages.

22 What we did, knowing that he was going to
23 say, oh, that there was -- based on our past
24 experiences with Mr. Erdman -- oh, we haven't
25 produced certain documents. So what Mr. Polizzotto

1 decided, we're going to give him everything we have.

2 THE COURT: Who decided?

3 MR. RODRIGUEZ: Mr. Polizzotto, my boss.

4 What he decided, we're going to give him
5 everything that Mr. Victor has, short of, of course,
6 what's privileged.

7 THE COURT: Everything he has. That's a
8 very odd thing to say.

9 MR. RODRIGUEZ: Short of what's privileged
10 and what should be on the priv log. So for the --

11 THE COURT: By the way, that statement
12 makes me less confident in your process. The notion
13 that you're going to give someone everything that a
14 person has, it makes no sense to me and also seems
15 improper.

16 MR. RODRIGUEZ: It is proper according to
17 the rules. We --

18 THE COURT: To give --

19 MR. RODRIGUEZ: To give everything that's
20 in our -- that's in the --

21 THE COURT: No. No. You can give --

22 MR. RODRIGUEZ: It's the defendant's
23 position it is in the rules.

24 THE COURT: You have to respond to a
25 document request. You can't say, I want a document,

1 and you'll say, I will give you every document in --
2 you know, I have 10,000 documents in my warehouse, I
3 will give you the 10,000 documents. No. Totally
4 improper. Go ahead.

5 MR. RODRIGUEZ: Well, that's what -- so, if
6 anything, we gave him more than what he had asked
7 for. So definitely within the relevant time
8 period pertinent to the amended complaint, we
9 covered that time period.

10 THE COURT: What do you mean by
11 "everything"? You sent him every e-mail he sent to
12 any human being? I don't even know what this means.

13 MR. RODRIGUEZ: Yes, we sent everything
14 that he had in those hard drives --

15 THE COURT: He didn't use search terms?

16 MR. RODRIGUEZ: -- so that he would not be
17 able to say, oh, it wasn't -- that he didn't
18 receive -- we tried to de-dupe as much as --

19 THE COURT: No. No. No. De-duping has
20 nothing to do with search terms.

21 Did you use search terms?

22 MR. RODRIGUEZ: Your Honor, yes, we did, to
23 try to, of course, eliminate as many duplicates as
24 possible. And according to the vendor --

25 THE COURT: Search terms doesn't eliminate

1 duplicates. Do you know what search terms are?

2 MR. RODRIGUEZ: I know what search terms
3 are, Your Honor.

4 THE COURT: Okay. So, again, imagine a
5 warehouse. We search for all documents with the
6 word "red" in it, okay. That's a search term. That
7 has nothing to do with duplication.

8 Do you see what I'm talking about?

9 MR. RODRIGUEZ: I see what you're talking
10 about, Your Honor. I'm telling you the -- I'm
11 telling you the process that we underwent.

12 THE COURT: So you produced entire e-mail
13 accounts regardless of who the e-mail was sent to?

14 I mean, do you have a problem with that? I
15 suppose you can do your own searches once you get
16 it.

17 MR. ERDMAN: If that's fine with -- I don't
18 have a problem with that. It seems like what
19 they're trying to do is give me filler of things,
20 like an old hard drive from his daughter going back
21 to 2003 rather than giving me actual stuff so they
22 can point to --

23 THE COURT: I mean, it's completely
24 improper. But there may be some advantage to you
25 because you get to do your own searches and maybe

1 you have that kind of technical expertise. So if
2 you're not complaining about it, then I'm not going
3 to worry about it, I suppose.

4 MR. ERDMAN: I don't have much issue with
5 that, but, you know, he acts as if I made these
6 really voluminous requests going into the past. And
7 he had said, you know, he's given me everything, and
8 he's extending the time frame beyond what I
9 requested. And I believe we even had a conversation
10 before we each produced of where we defined the date
11 range for this.

12 THE COURT: So are they handing you --

13 MR. ERDMAN: It's not like I'm trying to go
14 back --

15 THE COURT: -- e-mail accounts?

16 What are they giving you?

17 MR. ERDMAN: So what it looks like, it
18 looks like there were a couple hard drives which
19 didn't seem particularly relevant, like, one was a
20 backup of his daughter's computer. There's some
21 e-mail accounts, but they don't seem like they're in
22 an entire account.

23 THE COURT: I think we have to have the
24 conversation, a live conversation in a room with
25 Victor, both attorneys, the e-discovery vendor and

1 you, where you get to ask any question you want and
2 you get the answers to it. At this point, I'm not
3 going to require it to be under oath, but if this
4 process doesn't work, people are going to start
5 being put under oath. So we should need to do that
6 as soon as we can. All right.

7 I can't reach any of the issues of the
8 process of the search without getting a full
9 description of it. I did not get it from their
10 affidavits. It was woefully inadequate. It was
11 almost laughable. So, you know, I want you to try
12 to get it. If you can't get it, I'm going to have
13 you start putting people under oath and, hopefully,
14 that will lay the whole thing out.

15 MR. ERDMAN: Yeah, I think that will work
16 because I think the affidavits are too easy to omit
17 details, and then we're going through motions over
18 and over again.

19 THE COURT: Okay. Now, having said that,
20 that puts off a number of things, but maybe not
21 everything; most obviously, the third parties.

22 So other than the third -- do you know what
23 I mean by "the third parties"?

24 MR. ERDMAN: Yes.

25 THE COURT: Other than the third parties,

1 are there any other issues we should be doing today?

2 MR. ERDMAN: I think that would probably go
3 a pretty long way towards figuring this out. I
4 mean, the priv log -- privilege log cutting off and
5 not having any e-mails with current counsel, I
6 think, is probably going to be figured out pretty
7 quickly with some questions.

8 THE COURT: Okay. So on the privilege log,
9 you know, I gather as part of this process, there
10 are some things you didn't produce on grounds of
11 privilege, Mr. Rodriguez; is that right?

12 MR. RODRIGUEZ: That's correct.

13 THE COURT: Okay. So what's the problem
14 with putting a list of those together for a log?

15 Oh, you think you did?

16 MR. RODRIGUEZ: Our priv log, we feel that
17 it's --

18 THE COURT: Okay.

19 MR. RODRIGUEZ: -- it's pretty
20 comprehensive, yes. We feel we did.

21 And to address what he just said about
22 current counsel, we came in after he had filed the
23 complaint. So why would we --

24 THE COURT: Yeah, yeah. We're not dealing
25 with any documents after filing of the complaint, so

1 I'm not requiring them to do a log for that.

2 MR. ERDMAN: Well, their privilege log, I
3 believe at this point is around 26,000 entries. It
4 appears --

5 THE COURT: Well, see, we're now back to
6 the original problem, which is they're giving you
7 the warehouse of 10,000 documents instead of giving
8 you the documents that have the word "red" in them.

9 MR. ERDMAN: Well, my concern specifically
10 with the privilege log is when I was working for Mr.
11 Victor, he would describe how he would try and make
12 things privileged that wouldn't otherwise be --

13 THE COURT: I mean, right now, you have a
14 privilege log that, in fact, sounds like it may be a
15 privilege log that includes many irrelevant
16 documents. But what is it you want me to do?

17 Now that you know you're not getting
18 privileged communications after the filing of the
19 complaint, what do you want me to do?

20 MR. ERDMAN: Oh. Well, some of the
21 requests -- just one request in particular, I had
22 asked for their documents related to efforts to
23 retrieve documents responsive to any document
24 requests in any litigation in which Victor claimed
25 they were in possession of his agents, such as

1 former attorneys.

2 THE COURT: Boy, I didn't even understand.
3 You can try it again more slowly.

4 MR. ERDMAN: Sure. Sorry.

5 Any documents related to efforts to
6 retrieve documents responsive to document requests
7 in any litigation in which Victor claimed were in
8 the possession of his agents, such as former
9 attorneys.

10 THE COURT: Okay. I think I understand it.
11 Go ahead.

12 MR. ERDMAN: My intent was, he's claimed in
13 this action and other ones that he doesn't have
14 documents because a former attorney had them or the
15 forensics people have them. So I was hoping to get
16 those --

17 THE COURT: But this doesn't seem to relate
18 to privilege though.

19 MR. ERDMAN: -- copies of those efforts,
20 which should be --

21 THE COURT: You seem --

22 MR. ERDMAN: Oh, I'm talking about
23 the cutoff date. Sorry.

24 THE COURT: What are we talking about now?

25 MR. ERDMAN: Just the cutoff as far as the

1 document request.

2 THE COURT: I'm telling you the cutoff is
3 the filing of the complaint, so it needs to be
4 before that.

5 MR. ERDMAN: Okay. So my concern is I
6 believe there are responsive documents in there, and
7 they're just marked --

8 THE COURT: In where?

9 MR. ERDMAN: In -- listed in the privilege
10 log.

11 What it appears -- what it looks like is
12 Victor would take documents, responsive documents,
13 send it to his attorneys as an attachment, and he's
14 marking the attachment and the e-mails as privileged
15 and then claiming he doesn't have the document, even
16 though it's right there in his e-mails.

17 THE COURT: What's your basis for that?

18 By the way, you're talking about e-mail or
19 whatever from before the filing of your complaint
20 that he then sends -- did this occur before the
21 filing of the complaint, that he would then send it
22 to the attorney?

23 MR. ERDMAN: Right. Correct.

24 So it would look like, you know, he's
25 working with his attorney, he would gather

1 responsive documents, attach them to an e-mail, send
2 them to the attorney. And now, he's claiming to not
3 have those documents because the attorney has them.

4 THE COURT: No one sends physical documents
5 anymore, right?

6 MR. ERDMAN: No. I mean like PDFs or
7 whatever --

8 THE COURT: Okay. So they're still
9 existing in an e-mail, but they're in an e-mail to
10 an attorney.

11 MR. ERDMAN: Correct. And then I think
12 he's acting as if he doesn't have possession of that
13 because he's claiming it's part of a privilege
14 family of e-mails.

15 THE COURT: Okay. Well, I'll have to look
16 at some privilege log entry that reflects this.

17 Well, okay. Put whatever you want
18 together, but before you come to me, show them to
19 the other side because, obviously, you're right.
20 The fact that he sent it to an attorney doesn't
21 affect the privilege of the original document. The
22 e-mail to the attorney might be privileged, but not,
23 obviously, the original document if it had a life
24 before that e-mail.

25 You agree with me, Mr. Rodriguez, right?

1 MR. RODRIGUEZ: I agree, Your Honor.
2 You're right.

3 THE COURT: Okay. So now the big question
4 is, what can we do today, other than third-party
5 custodians, or are we now up to third-party
6 custodians?

7 MR. ERDMAN: Yeah, I think we're at a third
8 party --

9 THE COURT: Okay. So I gave them the
10 chance to see if they had custody or control over
11 any of these documents with third-party custodians.
12 Basically they said no. You're going to have to go
13 to the third-party custodians.

14 So I think that's where we are. Do you
15 have some other view, Mr. Erdman?

16 MR. ERDMAN: No. That's --

17 THE COURT: Do you have some other view,
18 Mr. Rodriguez?

19 MR. RODRIGUEZ: That's about right, Your
20 Honor.

21 THE COURT: Okay. On the other hand, I
22 don't want, you know, people unnecessarily annoyed
23 with this stuff. So do you know where the -- you
24 know, these third-party custodians, if they're not
25 in New York, I believe you have to get a subpoena.

1 I'm trying to -- they keep changing the rule on
2 this. Hold on a second.

3 Okay. You can serve it anywhere, but if
4 there's a dispute, you're going to have to go to the
5 district where they occur. I can't deal with it.

6 I assume you're asking only for documents,
7 not for testimony, right?

8 MR. ERDMAN: There is one individual,
9 Ms. Bozak, that I would like to get testimony from.
10 The rest, I believe, are all going to be documents.

11 THE COURT: Is she in this district?

12 MR. ERDMAN: I believe she is.

13 THE COURT: Okay. Because you have to hire
14 a court reporter and everything else; you understand
15 that?

16 MR. ERDMAN: Yes. Would I be able to do
17 so at Mr. Victor's cost since he's, kind of, created
18 this whole issue with the third parties?

19 THE COURT: He's created some issues, but I
20 don't think he's created it with the third parties,
21 so the answer is no. All right. But hold on.
22 We've got to talk about these third parties because
23 I have some powers to limit discovery. And I think,
24 you know, given the fact that you're proceeding pro
25 se in this matter, there are certain limits that

1 have to be observed in proportionality.

2 So first of all, we need to make sure that
3 whatever you're trying to get information about is
4 tailored to what's relevant in this case. So before
5 you issue any subpoenas, you need to provide a copy
6 to me, explain to me why you believe they have
7 relevant information, what kind of information it
8 is, how it relates to specific allegations that have
9 survived in the amended complaint in accordance with
10 the opinion and order.

11 So, for example, it can't be anything
12 relating to the co-op letter. It has to be relating
13 to that specific period where you were being
14 defamed. You understand that, right?

15 So I don't know that I'm going to let you
16 do everybody. So when you're ready, give me a list
17 in the order of their importance. Attach a copy of
18 the subpoena that you want to serve, and justify in
19 each case why you think it's proportional to the
20 needs of this case, okay?

21 MR. ERDMAN: I have one other issue about
22 the --

23 THE COURT: By the way, let me disclose
24 something. Willie Brye, I worked with at the U.S.
25 Attorney's office 30 years ago. He's not a friend

1 or anything, but he was a colleague, work colleague.
2 Every five or ten years, I run into him somewhere
3 and we say hello and have a conversation. I don't
4 think it's a basis for recusal, but I want you to be
5 aware of that.

6 MR. ERDMAN: Understood.

7 MR. RODRIGUEZ: Understood.

8 MR. ERDMAN: There's an issue --

9 Mr. Rodriguez stated that there were e-mails from
10 Ms. Bozak that were added to the privilege log, and
11 he hasn't been able to provide me the control
12 numbers to prove that. And he also has said in
13 multiple letters at this point that there are
14 e-mails from Timlin (phonetic) that are going to be
15 added to the log, but they still haven't. And there
16 hasn't been any explanation as to why they haven't
17 at this point.

18 MR. RODRIGUEZ: It's basically four
19 documents from each, four e-mails from each,
20 Your Honor. We just haven't -- the reason they
21 haven't been added is that we're trying to figure
22 out -- we don't want to -- in terms of the vendor,
23 my clients already spent in the six figures. We're
24 trying to -- I mean, I may just process
25 these entries myself just to try to --

1 THE COURT: It's eight entries?

2 MR. RODRIGUEZ: Eight entries. That's it.

3 THE COURT: Yes. Do it within one week.

4 MR. RODRIGUEZ: No problem.

5 THE COURT: By the way, I have no sympathy
6 on the vendor because you did the 10,000 documents
7 in the warehouse, which was not the way this should
8 have been done. Go ahead.

9 Okay. Any other issues that we need to do
10 today, Mr. Erdman?

11 MR. ERDMAN: I think the questioning would
12 resolve them or --

13 THE COURT: I'll extend the discovery
14 period. It sounds like we may need more time.
15 Maybe I'll do an extra month.

16 Mr. Rodriguez, anything else we should do
17 today?

18 MR. RODRIGUEZ: Not that I can think of,
19 Your Honor.

20 THE COURT: All right. Thank you,
21 everyone.

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C E R T I F I C A T E

I, Adrienne M. Mignano, certify that the foregoing transcript of proceedings in the case of Erdman v. Victor; Docket Number: 20CV4162 was prepared using digital transcription software and is a true and accurate record of the proceedings.

Signature Adrienne M. Mignano
ADRIENNE M. MIGNANO, RPR

Date: December 30, 2023